THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 2117 of 2000

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Dated: 30.01.2006

Between:

G. Kishore, S/o Late Balaiah
R/o Pedanindra Kolanu, Nidamarru Mandal,
West Godavari District.

..... PETITIONER

AND

1 The Depot Manager, A.P.S.R.T.C.,
Tadepalli Gudem, West Godavari District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 2117 of 2000

Order:

By this writ petition, the petitioner seeks a direction to the respondents to consider his case for appointment in the existing vacancy of Conductor or in any other suitable post on compassionate grounds.

The case of the petitioner is that his father, while working as Driver of the respondent-Corporation, died in harness on 20.01.1989. After that, the mother of the petitioner submitted an application to the respondent-Corporation seeking

appointment to the petitioner on compassionate grounds. The petitioner alleges that when he approached the respondents for compassionate appointment, he had an occasion to verify the records and found that the first respondent made an endorsement on the application filed by his mother that the compassionate appointment should be given to the petitioner on his attaining majority. After attaining majority, the petitioner submitted an application to the respondent-Corporation seeking appointment on compassionate grounds and the same was rejected as belated one. Aggrieved by the said rejection order, the petitioner filed the present writ petition.

A counter affidavit was filed by the respondent-Corporation, denying the allegations of the petitioner, *inter alia*, stating that the mother of the petitioner submitted an application on 25.06.1994 i.e., after lapse of five years five months from the date of death of her husband, seeking employment to the petitioner for the post of Conductor under Bread Winner Scheme. Since the application for compassionate appointment shall be submitted within a period of three years from the date of death of employee as per circular No.89 of 1989, dated 24.07.1989, the said application was rejected. It is stated that they never gave any assurance to the mother of the petitioner to provide compassionate appointment to the petitioner on his attaining the majority.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

The main contention of the petitioner is that the respondents, having assured him of appointment on his attaining the majority, cannot reject his claim as belated one. Whereas, the respondents specifically contend that no assurance was given to the petitioner and deny the averments made in that regard. The respondents also contend that since the claim of the petitioner is time barred one, the same was rejected and no interference is called for therewith.

The Rules of the corporation clearly specify that an application seeking compassionate appointment shall be made within three years from the date of death of the concerned employee. Admittedly, as on the date of death of his father, the petitioner was minor, and the application, seeking appointment to the petitioner on compassionate grounds, was made after his attaining majority i.e., after five years five months from the date of death of his father. Hence, the action of the respondents in rejecting the claim of the petitioner for compassionate appointment as belated one

cannot be said to be illegal warranting interference of this Court. The writ petition fails and the same is accordingly dismissed. However, the petitioner is at liberty to make an application for grant of additional monetary benefits in lieu of employment in terms of impugned order dated 13.05.1999. On filing such an application, the respondents shall consider the same and pass appropriate orders thereon expeditiously in accordance with law. No costs.

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N.V. RAMANA, J.

Date: 30.01.2006

Nsr/Tvk